

REMARKS

Before this Amendment, claims 80-99 were pending in this application, with claims 84, 85, and 93 having been withdrawn from further consideration by the Examiner. In the final Office Action, claims 80-83, 86-92, and 94-99 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,193,692 to Harris et al. ("Harris"), and claims 80, 82, 83, 86-92, and 94-99 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,623,521 to Shaw ("Shaw").

By this Amendment, Applicants have cancelled claim 80, rewritten claim 81 in independent form, and amended claims 82-87, 89, and 91 to maintain proper claim dependencies. Since claim 81 has merely been rewritten in independent form, no new matter has been added.

Applicants respectfully request reconsideration and allowance of the application for the following reasons.

Independent Claim 81 is Not Anticipated by Shaw

In the Office Action, the Examiner did not reject dependent claim 81 based on Shaw. As claim 81 has been rewritten in independent form, the rejection based on Shaw is now moot.

Independent Claim 81 is Not Anticipated by Harris

Independent claim 81 recites, *inter alia*, an entry needle comprising a first assembly including a housing, a stylet extending into the housing, and a hub in connection with the stylet and adjacent the housing at a proximal end of the entry needle. A second assembly of the needle comprises a cannula surrounding the stylet.

The first assembly and the second assembly seal together and are separable, and body fluid cannot pass through the needle when the first and second assemblies are sealed together. Harris, however, does not disclose any embodiment where fluid cannot pass through its outer sheath member 12 and its stylet 32 of the stylet subassembly 30.

In rejecting claims 80-83, 86-92, and 94-99, the Examiner refers to "the comments set forth in the previous office action." (Final Office Action at Page 2.) In that rejection, the Examiner pointed to item 32 in FIG. 6 of Harris as corresponding to the claimed stylet and item 22 in FIG. 6 as corresponding to the claimed second assembly. (See June 28, 2005 Office Action at Pages 2-3.)

As previously argued in the reply of September 23, 2005, the Harris device cannot meet the recitations of claim 81 since Harris requires that gas or fluid flows through outer sheath member 12 and stylet subassembly 32 for the purpose of insufflating a body cavity. (See, e.g., Harris at column 3, lines 43-52 and Figures 2-7.) The Harris devices provide for fluid flow therethrough when stylet subassembly 32 and sheath 12 are connected. Harris discusses the flow rate through subassembly 32 at, for example, column 4, line 19-31.

On pages 2-3 of the final Office Action, the Examiner found these arguments unpersuasive, arguing that FIG. 10 and column 5, lines 56+ of Harris disclose a "fluid tight arrangement." In FIG. 10 of Harris, the inner projection 32 is replaced with an inner projection 82 and a plug section 84, which extends beyond the outer sheath member 12.

The passages referred to by the Examiner, however, expressly disclose that "[t]he **flow path for this configuration** is through the gap between the inner bore 20

and the solid projection 82.” (Harris at column 5, lines 62-64.) (Emphasis added.) While the presence of item 82 in tubular sheath 12 may partially restrict the flow path therethrough (see Harris at column 5, lines 64-67), just as inner projection 32 may (see Harris at column 4, lines 29-31), nothing in the embodiment of FIG. 10 prevents body fluid from passing therethrough. To the contrary, lines 62-64 of column 5 in Harris expressly disclose that fluid **does** flow through sheath 12.

For at least these reasons, claim 81 is not anticipated by Harris. Applicants respectfully request that the rejection of claims 81-83, 86-92, and 94-99 in view of Harris be withdrawn.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 81-99 in condition for allowance. The final action by the Examiner presented some new arguments as to the Examiner's interpretation of the claims against Applicants' invention. Entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance. Furthermore, entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the applied prior art. Applicants therefore request the entry of this Amendment, the Examiner's

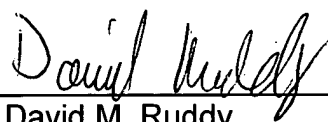
reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
David M. Ruddy
Reg. No. 53,945